



Romania

Country Reports on Human Rights Practices - [2001](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 4, 2002

Romania is a constitutional democracy with a multiparty, bicameral parliamentary system. Prime Minister Adrian Nastase is the Head of Government and President Ion Iliescu is the Head of State: they won elections in November and December 2000 that were judged to be generally free and fair. The judiciary is a separate branch of the Government; however, in practice the executive branch exercises influence over the judiciary.

The National Police are primarily responsible for law enforcement, the Gendarmerie for preserving public order, and the Border Police for maintaining border security. The Ministry of the Interior supervises these organizations. Protection against external threats is the primary responsibility of the military. An internal intelligence service assesses threats to national security but has no law enforcement powers. All security and intelligence organizations operate under the authority of civilian leadership. Some police officers committed serious human rights abuses.

Romania is a middle-income, developing country in transition from a centrally planned economy to a market economy. Its population is approximately 22.4 million. The private sector accounted for 64.5 percent of gross domestic product (GDP) and employed 62.8 percent of the work force, primarily in agriculture, commerce, and services. Although privatization is under way, government ownership remains dominant in the industrial sector. During the year, 183 firms were privatized. Approximately 1,200 firms are left in the State Privatization Fund's portfolio, including several of the country's largest firms. The GDP grew 1.6 percent during 2000, and estimated GDP growth during the year was 4.5 percent. Per capita GDP in 2000 was approximately \$1,639. Exports increased 21 percent in 2000 and rose 16 percent in the first half of the year compared to the same period of 2000. Inflation decreased from 54.8 percent in 1999 to 40.7 percent in 2000 and was estimated at 32 percent for the year. Official statistics significantly understate economic activity because of the size of the informal economy.

The Government generally respected the rights of its citizens; however, its human rights record was poor in some areas. Police use of excessive force resulted in four deaths. Police officers continued to beat detainees and reportedly used excessive force and harassed Roma. The Government investigated some police officers suspected of abuse and in some cases indicted those accused of criminal activities in military courts. However, investigations of police abuses generally are lengthy and inconclusive and rarely result in prosecution or punishment. While some progress was made in reforming the police, cases of inhuman and degrading treatment continued to be reported. Prison conditions, although somewhat improved, remained harsh, and overcrowding remained a serious problem. At times authorities violated the prohibition against arbitrary arrest and detention. The judiciary remained subject to executive branch influence. Authorities evicted a number of Roma from their homes as part of a program to return illegal squatters on public land to their places of origin. Religious groups not officially recognized by the Government complained that they received discriminatory treatment from the authorities. Violence and discrimination against women remained serious problems. There was a large number of impoverished homeless children in large cities. Societal harassment of religious minorities remained a problem, and discrimination and instances of societal violence against Roma continued. Child labor was a problem. There were reports of government interference in trade union activity. Trafficking in women and girls for the purpose of prostitution was a problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings; however, in three instances police used excessive lethal force which led to the deaths of citizens.

Under a 1994 law, police may shoot in order to stop persons who are fleeing from attempts to take them into custody. The law also allows the use of firearms against persons who have escaped detention or run away from an escort, and allows other law enforcement bodies to use force under similar circumstances. On April 26, police shot and killed Mihail Dombi in Oradea, in Bihor County. Dombi had been issued a warrant to serve an additional year of a 3-year sentence for fraudulent insurance schemes. Police reported that Dombi fled from the police, refused to stop after they fired warning shots, and they reportedly shot him in the head when they tried to shoot him in the legs. Eyewitnesses claim that police fired at Dombi even though he had halted after a verbal warning, and that they did not fire warning shots or shoot only to injure him. No further information was available on the case at year's end.

On July 6, in the village of Buda in Bacau County, police beat Dumitru Grigoras to death while in custody. Police took Grigoras into custody after his wife asked police to calm him down after a fight. Police beat Grigoras; family members saw signs of beating, and a witness near the police station reported hearing Grigoras scream. Villagers told APADOR-CH, a nongovernmental organization (NGO) affiliated with the International Helsinki Federation, that the police chief in Buda had a reputation for brutality and violence. No further information was available on the case at year's end.

In July two policemen beat a suspect to death while attempting to obtain a confession. The victim, a worker at the Mechanical Plant in Cugir, was suspected of stealing construction materials. His body was found the next day on the outskirts of the city, and an autopsy showed that the victim had several injuries and fractures caused by blows. On July 7, two police officers from the Cugir police in Alba County were arrested and charged with the use of lethal force and abusive investigation. Several other officers in the leadership of the Alba County Police and Cugir City Police were dismissed or demoted.

On December 26, 2000, police found Mircea Chifan of the village of Vicovul de Jos dead in his cell in the Suceava County police jail. Chifan, who had a record of psychiatric problems, was in custody for beating his wife and had tried to escape from his cell. While the forensic report indicated that cirrhosis of the liver was the cause of death, it also noted that Chifan had been struck earlier, and police had not allowed him access to medical care. Chifan's relatives said that they had not been allowed to see him while he was in custody. No further information was available on the case at year's end.

Prosecutors ruled during the year that the shooting death of Petrea Letea while fleeing police in May 2000 was a legitimate use of deadly force by police officers under the law.

In several cases of deaths in custody or deaths reportedly due to police brutality during 1999, investigations and trials continued to drag on. There was no further information on the progress of investigation into the following 1999 cases: the death in police custody of Aurel Uluiteanu in Barcanesti; the death of Cristian-Venus Dumitrescu, who allegedly was beaten by police in September 1999 and died after he "threw" himself out of a third floor window en route to a police station; the death of Sevastian Apostol, a Rom killed by police while trying to flee a bar where he had a serious conflict with the owner and other clients; the death of Elinoiu Toader, who died after being beaten by police; and the killing of Radu Marian, an unarmed Rom who was killed during a police raid on a group of cigarette smugglers.

According to the Government, the chief of police in Valcele was indicted in June 1999 for the illegal use of his weapon in the 1996 killing of Mircea-Muresul Mosor, a Rom from Comani who was shot in the back and killed while in police custody. A lower court found the police officer not guilty, but the prosecutor's office appealed the verdict in May 1999; the superior court's decision remained pending at year's end.

There was no further information in the November 2000 killing of Sorin Moldovan, deputy chairman of the Hunedoara County branch of the Party of Social Democracy (PSD), who was killed by an unknown assailant.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and inhuman or degrading punishment or treatment; however, there were credible reports that police beat detainees and used excessive force. Human rights organizations cited numerous reports of torture and mistreatment by police. On at least two occasions police beat detainees to

death (see Section 1.a.).

On March 26, Arges county police detained Vasile Danut Moise, 14-year-old boy, for allegedly stealing a cow. Police beat Moise with a nightstick and a bat on his arms and back in order to obtain a confession from him. A subsequent medical evaluation by a hospital indicated that his injuries were consistent with being beaten. At year's end, prosecutors were investigating several officers for abusive investigation and illegal detention.

On April 5, a railroad police officer beat Ioana Silaghi, a 15-year-old girl, in Oradea in Bihor County. The police officer claimed that Silaghi had stolen his cell phone, and hit and kicked her in the police station in the Oradea railroad station. A forensic report indicated that Silaghi had been beaten. At year's end, the officer was under investigation for abusive use of force.

On July 3, the intervention squad of the Brasov police arrested and beat Italian citizen Massimo Lucarelli. The police mistakenly identified Lucarelli as Cornel Racoare, a wanted criminal who had threatened to kill several law enforcement officers. In July following the complaint filed by Lucarelli and an investigation conducted by military prosecutors, the chief of Brasov County Police received a verbal reprimand and his promotion was delayed for 2 years.

Romani NGO's claimed that police used excessive force against Roma and also subjected Roma to brutal treatment and harassment (see Section 5). A human rights NGO alleged that prosecutors commonly refused to open criminal investigation into allegations of police abuse against Roma. When investigations are initiated, they often proceed slowly, and cases often close without indictment decisions. Police apathy regarding crimes against Roma is a problem (see Section 5).

In January police reportedly beat Roma in Zizin, a settlement near the town of Brasov, while searching for a group of Romani men who were collecting scrap metal. Police forcibly entered and used a spray irritant in Romani homes. NGO's reported police intimidation of Roma on February 1 and 9, when masked police officers with dogs boarded trains from Tohanul Vechi to Brasov, forced over 100 Roma to exit the train and board police vans, and drove them to the police station to be fingerprinted. The police reportedly threatened the Roma not to travel to Brasov. The Railway Transportation Police of Brasov told the NGO Romani CRISS that they were taking action to curb begging in Brasov (see Section 5). Romani CRISS filed criminal complaints over the incidents. In August military prosecutors declined to prosecute the police, claiming that there was insufficient evidence of police abuse.

On April 3, in Suceava County, NGO's reported that the Deputy Mayor of Dolhasca, four police officers, and four members of the police intervention squad harassed and beat Roma in the village of Gulia. They reportedly assaulted Roma residents, including a 14-year-old boy, who subsequently was hospitalized. In addition a police sergeant reportedly hit a Romani man when he did not move his horse cart out of the way of police vehicles. In response Romani CRISS filed a complaint against the police officer who beat the boy with the Military Prosecutor's Office in Bacau; the Military Prosecutor initiated a formal investigation into the complaint but in October declined to prosecute the police officer, claiming that there was no evidence of police abuse.

Gays and lesbians continued to face police harassment. For example, in December 2000, Adrian Georgescu was taken into custody by police and was questioned about his sexuality by police officers. In January, a police officer admitted on Romanian television that Georgescu had been detained solely because of his sexual orientation. Georgescu filed a complaint against the police officer; however, a lower court dismissed the case. Georgescu's appeal was ongoing at year's end.

In several cases of police beatings from past years, investigations continued without resolution, and, in some cases, charges were dropped by prosecutors. On August 28, 2000, policemen from the Bacau County police intervention squad arrested Vasile Anghel from the Don Vito bar in Bacau City and beat him. Anghel was hospitalized and subsequently was given a medical certificate testifying to his injuries. Anghel then pressed charges against a Bacau County police officer. On September 9, Bacau County police raided Anghel's house in Luizi Calugara village in Bacau County, searching for fugitive Luca Mihai, who was reportedly at Anghel's house, detained Anghel, took him to Bacau police headquarters, and seized his medical certificate and his complaint against the Bacau County police officer. Police investigators concluded that Anghel refused to cooperate with the police in the initial incident at the Don Vito bar, was disorderly, and tried to injure himself by hitting his head against the door of the police car, and therefore police acted properly. Police investigators said that they did not seize Anghel's certificate or complaint in the September raid and that Anghel was uncooperative in the search for the fugitive Mihai. At year's end, Anghel's complaint to the Bacau Military Prosecutors office over the second raid remained under investigation.

There was no further information available in the case of Mugurel Soare, a Romani man, who was shot and

severely injured by police in May 2000. In August 2000, prosecutors dropped charges against police officers who were accused of beating Alexandru Botu in Prunaru village in Teleorman County in February 2000. Prosecutors continued to investigate the claims of Constantin Vrabie, who was beaten by police after being taken from a disco in Candesti in Buzau County in January 2000. Prosecutors dropped charges against police officers who beat Silviu Rosioru, also in Buzau County in January 2000. Buzau County police subsequently reprimanded and transferred to another unit the chief of the Buzau County police intervention squad--the unit involved in these cases. They demoted several other officers in the squad and transferred an additional officer to another unit. Investigations into the 1998 police beating of Nicolae Iloaie of Tandareni and the police shooting of Marian Ciulei from Brasov were ongoing at year's end.

Judicial cases involving military personnel and the police are tried in military courts (see Section 1.e.). At times some military prosecutors blocked proper investigation of alleged police abuses, or courts passed extremely light sentences. For example, sentences of between 1 and 1 1/2 years were handed down during the year for the beating of a girl in 1997; ultimately, the sentences were suspended.

Prison conditions are harsh; however, efforts to improve the prison system have led to some gradual but positive changes. The prison budget increased by \$71 million over the 2000 budget. There are a total of 43 penal units (an increase from 41 in 2000), 34 prisons, 5 prison hospitals, and 3 juvenile detention facilities (an increase from 2 in 2000). Nevertheless overcrowding remained a serious problem, although it improved slightly from 2000. On January 9, 50,370 persons, including 800 minors (down from 1,571 in 2000--see Section 5), were in detention. The legal capacity of the system was 35,246. The law provides for alternative sentences for minor offenses. Specifically the law, which has been moderately successful, provides for community service instead of a prison sentence and is aimed at reducing the prison population. Men and women, adults and juveniles, and pretrial detainees and convicted criminals are housed separately in the prison system.

Human rights organizations continued to report that the abuse of prisoners by other prisoners and prison authorities was a problem. Prisons continued to use the "cell boss" system, in which some prisoners are designated to be in semiofficial charge of other prisoners in places where there were 10 or more prisoners in the same room. There were attempts to ameliorate this system by giving the inmates the right to select these "cell bosses" by vote, which has improved the situation slightly. Prison authorities introduced some vocational training programs to assist inmates' future integration into society, which also led to some improvement.

The Government permitted prison visits by human rights monitors; however, the Ministry has tightened conditions for prison visits. The new regulations, which are authorized by internal regulations that the Ministry does not release to the public, require that the visit be requested by a prisoner, and be announced 3 to 4 days in advance. Several domestic and international NGO's made such visits during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, at times the authorities did not respect this right in practice. The law forbids the detention of anyone for more than 24 hours without an arrest warrant from a prosecutor, who may order detention for up to 30 days, and authorities generally respected this provision in practice. Detention can be extended past the 30-day limit only by a court ruling; however, courts and prosecutors often extend pretrial detention, to several years in some cases. Pretrial detention counts towards sentence time if a detainee is convicted. The use of pretrial detention decreased; one out of every three individuals in the prison system in 1995 was a pretrial detainee, compared with one in five in 2000. Detainees have the right to apply for bail, but in practice bail rarely is granted. Detainees may also ask for a hearing before a judge. Such a request must be granted within 24 hours.

Police often appear to take advantage of Article 16, Section b in the Police Organization Law 26 of 1994, which states that persons endangering the public, other persons, or social order and whose identity cannot be established, can be taken to a police station. Police often use this provision of the law to detain persons for up to 24 hours at a police station. Roma are disproportionately affected by this detention provision and often are viewed suspiciously by police. Roma often lack appropriate identity documents, which makes it easier for police to apply this article.

The law requires the authorities to inform those arrested of the charges against them and of their right to an attorney at all stages of the legal process. Police must notify defendants of this right in a language they understand before obtaining a statement; however, police often do not inform citizens of their rights. In addition the prosecutor's office may delay action on a request for a lawyer for up to 5 days from the date of arrest.

Under the law, minors detained by police and placed under guard in a center for the protection of minors are considered by judicial authorities to be in detention or under arrest if their age is more than 16, or, if between

the ages of 14 and 16, if they have consciously committed a crime. However, since the Penal Code does not apply to minors in these centers until their cases are referred to a prosecutor, police are permitted to question them without restriction and may hold those suspected of criminal offenses for up to 30 days in such centers. This law appears to be in conflict with the Constitution, and local and international human rights groups have called on the Government to change it.

According to APADOR-CH, the Interior Ministry issued new instructions on detention in 1999 that provide for the confidentiality of discussions between detainees and their lawyers; this law was respected in practice.

At year's end, prosecutors were investigating several officers for the illegal detention of Vasile Moise (see Section 1.c.). The Government detained asylum seekers indefinitely in some cases (see Section 2.d.).

In May NGO's reported that the mayor of Tarry Murex issued an order to the city's public guardians (civilians deputized by the mayor to conduct rudimentary police duties) to take all of the city's beggars into custody. Approximately 70 to 80 Roma were detained in a castle for identification purposes; those who were not legal residents of the city were expelled. NGO's reported that there was no evidence that the Roma detained were begging.

The law prohibits forced exile, and the Government does not employ it.

e. Denial of Fair Public Trial

Under the law, the judicial branch is independent of other government branches; however, it remains subject to influence by the executive branch. Although members of the Senior Council of Magistrates, which controls the selection, promotion, transfer, and sanctioning of judges, are appointed by Parliament from a list provided by the courts and prosecutorial offices represented on the council, the Justice Minister may avoid the appointment of unwanted members by simply keeping them off the agenda. The judicial system widely is regarded as weak, inefficient, and suffering from systemic corruption, although the Ministry of Justice is investigating and bringing prosecutions against corrupt judges and officers.

The law establishes a four-tier legal system, including appellate courts. Defendants have final recourse to the Supreme Court or, for constitutional matters, to the Constitutional Court. The judicial system divides the Prosecutor General's Office into 16 local offices (paralleling the appeals court structure) and establishes an office at the Supreme Court.

Judicial cases involving military personnel and the police are tried in military courts. Local and international human rights groups criticize this system, claiming that the military prosecutor's investigations are unnecessarily lengthy and often purposefully inconclusive (see Section 1.c.).

The law provides for the right to a fair trial; however, the judiciary suffers from systemic corruption. Defendants are presumed innocent. The Penal Code requires that an attorney be appointed for a defendant who cannot afford legal representation or is otherwise unable to select counsel. In practice the local bar association provides attorneys to the indigent and is compensated by the Ministry of Justice. Either a plaintiff or a defendant may appeal. The law provides that confessions extracted as a result of police brutality may be withdrawn by the accused when brought before the court; the practice of extracting confessions through beating occurs occasionally. Due to a lack of a plea bargaining, the judicial system tends to be inefficient and slow. An average case takes 4 1/2 years before it is finished.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions; however, there were some restrictions. The Constitution provides for protection against the search of a residence without a warrant; however, this protection is subordinate to "national security or public order." The law defines national security very broadly and lists as threats not only crimes such as terrorism, treason, espionage, assassination, and armed insurrection but also totalitarian, racist, and anti-Semitic actions or attempts to change the existing national borders. Security officials may enter residences without proper authorization from a prosecutor if they deem a threat to national security to be "imminent;" however, such actions are rare.

The Constitution states that the privacy of legal means of communication is inviolable; thus, the Romanian Internal Intelligence Service (SRI) is prohibited legally from engaging in political acts (for example, wiretapping on behalf of the Government for political reasons). However, the law allows the security services to monitor

communications on national security grounds after obtaining authorization. The law requires the SRI to obtain a warrant from the "public prosecutor specially appointed by the General Public Prosecutor" in order to carry out intelligence activities involving "threats to national security." It may engage legally in a wide variety of operations such as surveillance, requesting official documents or information, or consulting with technical experts, to determine if a situation meets the legal definition of a threat to national security, or to prevent a crime.

The law permits citizens access to secret police files kept by the Communist government. Under the law, any Romanian or foreign citizen who had Romanian citizenship after 1945 is entitled to have access to his file; a council approved by Parliament reviews the files and releases the information unless it was a state secret or could threaten national security. The files remain in the custody of the intelligence services. This law has been criticized for exempting files of current employees of the intelligence services from review and changing the definition of an informer to require actual payment.

In March the Parliament passed legislation requiring individual citizens to report foreign guests to the police if the guest remained in the country for more than 2 weeks; this legislation has been criticized by human rights groups as infringing on privacy rights. Some minority groups, including ethnic Hungarians and Germans, also expressed concern over the law, since they often have family visitors for extended periods of time.

During the year, the Parliament passed legislation that would have imposed stiff penalties on private citizens who failed to protect state secrets and would have allowed the Romanian Internal Intelligence Service to place its agents in areas considered sensitive, such as factories working for the defense industry and private companies producing maps. Both domestic and international groups expressed concern that the bill would limit citizen's rights, and in April the Constitutional Court declared the bill unconstitutional.

A Government-sponsored program called "Back Home," aimed at returning persons who were illegally squatting in Bucharest (largely on public land) to their places of origin has been criticized strongly by human rights NGO's as forcing Roma out of their homes. For example, in April authorities evicted 10 Romani families who were squatting in 2 apartment blocks in the village of 1 Decembrie, in Ilfov County (which surrounds Bucharest). In May the authorities evicted several Romani families from the Vacaresti Lake area in Bucharest and evicted approximately 100 Roma from the Militari district of Bucharest and escorted them out of the city. In June authorities evicted five Romani families from the vicinity of Tineretului Park in Bucharest and returned them to their places of origin in Teleorman County. Also in June, authorities returned to their countries of origin 55 Roma who were squatting on public property in Sector 2 in Bucharest. Authorities also evicted over 60 Roma from Sector 6 in Bucharest. On July 5, representatives of the Sector 5 mayor's office of Bucharest evicted 200 Roma and escorted them out of the city.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the Constitution provides for freedom of expression and prohibits censorship, it limits free expression by prohibiting "defamation of the country" and "offense to authority;" the Government generally respected the constitutional provisions in practice.

The Penal Code has been criticized by human rights organizations and professional journalists for retaining jail terms for those convicted of libel or slander, including journalists. Despite official promises that jail terms would be removed from the penalties for libel, calumny, "defamation of the nation," and "defamation of public officials," Parliament had not amended the relevant sections of the Penal Code by year's end. However, in June 2000, on the recommendation of the Council of Europe, the Chamber of Deputies passed draft legislation that would reduce the sentence for libel to a fine instead of a prison term, and that would decrease the sentence for calumny to 3 to 12 months instead of the previous 2 to 6 years. This draft legislation had not been passed by the Senate or signed into law by the President by year's end.

Independent media continued to grow in an increasingly competitive market. Several hundred daily and weekly newspapers are published. Foreign news publications may be imported and distributed freely, but high costs, relative to domestic publications, limit their circulation.

Several private television stations broadcast nationwide, with the largest reaching approximately 45 percent of the rural and 85 percent of the urban market. There are 117 private television stations and 260 private radio stations. Approximately 3.4 million households were wired for cable, giving significant portions of the population access to both private and foreign broadcasts. Romanian State Television (RTV), Radio Romania, and the Europa FM radio network remained the only national broadcasters capable of reaching the bulk of the rural population at year's end. Independent stations continued to enlarge their coverage throughout the

country by over-the-air, cable, and satellite transmissions.

Press and television coverage generally reflects the political viewpoints of owners, which cover most of the political spectrum. State-owned television and radio coverage tends to be biased in favor of the Government. In December, on a party line vote, the ruling party forced out the governing board of the state owned radio network, which had been appointed by a previous government. The new radio leadership is likely to reflect the ruling party's views in its new coverage. Media accuracy is not high but has been improving gradually. The Parliament failed to rescind the prohibitions on "defamation of the nation" and "defamation of public officials. Civil liberties advocates wanted these prohibitions rescinded to reduce the threat that they might be used to harass and punish journalists who report governmental or bureaucratic corruption. In the past, several journalists were arrested and tried for reporting on corruption by local government officials, and journalists who were investigating corruption cases also were targets of violence, mainly from those whose private interests were threatened. However, there were no reports that these provisions of the law were used to harass journalists during the year.

In the past, there were reports of police abuse of journalists; however, there were no such reports during the year. There were no further developments in the Interior Ministry's investigation of the case of journalist Valentin Dragan, who was beaten by police in May 2000. There also were no reports of other violence against journalists during the year.

Access to the Internet is not restricted.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected that right in practice. The law on public assembly provides for the right of citizens to assemble peacefully while unarmed but states that meetings must not interfere with other economic or social activities and may not be held near locations such as hospitals, airports, or military installations. Organizers of demonstrations must inform local authorities and police before the event. Authorities may forbid a public gathering by notifying the organizers in writing within 48 hours of receipt of the request. The law prohibits the organization of, or participation in, a counterdemonstration held at the same time as a scheduled public gathering. The law forbids public gatherings to espouse Communist, racist, or Fascist ideologies or to commit actions contrary to public order or national security. Unauthorized demonstrations or other violations are punished by imprisonment and fines.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. Political parties gain legal status if they have at least 10,000 members. Associations may be granted legal status with proof of 20 founding members and at least 200 supporting members.

c. Freedom of Religion

The Constitution provides for freedom of religion and the Government generally respects this right in practice; however, there are some restrictions, and several minority religious groups continued to claim credibly that low-level government officials and Romanian Orthodox clergy impeded their efforts at proselytizing, as well as interfered with other religious activities (see Section 5). The press reported several instances when adherents of minority religions were prevented by others from practicing their faith, and local law enforcement authorities did not protect them. The Romanian Orthodox Church predominates; approximately 86 percent of the population nominally adheres to it.

The Government officially recognizes 15 religions; only the clergy of these 15 recognized religions are eligible to receive state financial support. Recognized religions have the right to establish schools, teach religion in public schools, receive funds to build churches, pay clergy salaries with state funds and subsidize clergy's housing expenses, broadcast religious programming on radio and television, apply for broadcasting licenses for denominational frequencies, and enjoy tax-exempt status. The number of adherents each religion had in the 1992 census--the last census taken--determines the proportion of the budget that each recognized religion receives. Representatives of minority religious groups dispute the 1992 census results, claiming that census takers in some cases argued with citizens over their religious affiliation or assigned an affiliation even without inquiring about religious affiliation.

The Government requires religious groups to register, and government registration and recognition requirements pose obstacles to minority religions. To be recognized as a religion, religious groups must register with the State Secretariat for Religious Denominations and present their statutes, organizational, leadership, and management diagrams, and the body of dogma and doctrines formally stated by a religion.

Representatives of religious groups that sought recognition after 1990 allege that the registration process was arbitrary and unduly influenced by the Romanian Orthodox Church, that they did not receive clear instructions concerning the requirements, and that often the time frame in which a decision on their application has to be made was not respected by the State Secretary of Religions. The Government has not granted any religious group status as a religion since 1990. The Organization of the Orthodox Believers of Old Rite, Jehovah's Witnesses, the Adventist Movement for Reform, the Baha'i Faith, and the Church of Jesus Christ of Latter-Day Saints (Mormons) are some of the religious groups that have tried unsuccessfully to register as religions. The Baha'i Faith stated that it has never received any answer to its repeated requests to be registered as a religious denomination. Jehovah's Witnesses complained that the State Secretariat for Religious Denominations consistently had refused to grant it status as a religion, despite a March 2000 Supreme Court ruling that recognized the modified statutes of Jehovah's Witnesses as a Christian religious denomination. The court ruling asked the State Secretariat for Religious Denominations to issue an administrative document recognizing Jehovah's Witnesses, but the State Secretariat refused to do so. In response Jehovah's Witnesses asked for damages in court and, consequently, the court ruled that the Ministry of Culture and Religious Denominations will have to pay a symbolic \$.02 (500 lei) per day fine to the State as of May 9.

The Government registers religious groups that it does not recognize either as religious and charitable foundations or as cultural associations. A law enacted in May 2000 simplified this registration process in theory and also removed the minimum number of members required to set up religious associations and foundations.

In February the Government tried to revive a draft bill on religious denominations, which had been withdrawn by the previous government in February 2000, following domestic and international pressure. The bill would have increased state control over religious activity and made the Romanian Orthodox Church the national church. The Government put the draft bill on hold for revision after renewed objections from the international community and non-Orthodox religious denominations.

Although protected by law, several minority religious groups, which include both recognized and unrecognized religions, made credible complaints that low-level government officials and Romanian Orthodox clergy impeded their efforts to proselytize, interfered in religious activities, and otherwise discriminated against them during the year. The Government denied these allegations. In some instances, local police and administrative authorities tacitly supported, at times violent, societal campaigns against proselytizing (see Section 5). There appears to be no clear understanding by the authorities of what activities constitute proselytizing, but proselytizing that involves denigrating recognized churches is perceived as provocative.

The law does not prohibit or punish assembly for peaceful religious activities; however, several minority religious groups complained that on various occasions local authorities and Orthodox priests prevented religious activities from taking place, even when they had been issued permits (see Section 5). The Seventh-Day Adventist Church reported difficulties in obtaining approvals to use public halls for religious activities in the villages of Luna, Baiut, and Valenii de Maramures (Maramures County). The religious activities of the Baptist Church and the Evangelical Alliance often have been obstructed by the local authorities under the influence of the local Orthodox clergy in Crucea, Valul lui Traian (Constanta County), Isaccea (Tulcea County), Fratilesti, Savesti (Ialomita County), Vinatori, Tulucesti (Galati County), Sutesti, Gemenele (Braila County). According to Jehovah's Witnesses, in January the mayor of Tirgu Neamt (Neamt County) asked a school principal to resign because of his religious affiliation, allegedly following pressure by the local Orthodox priest.

In May the Israeli Ambassador expressed concern about a book published by a member of the extreme-right "Greater Romania" Party (PRM) which contained two jokes on the extermination of Jews by the Nazis. The Minister of Justice called for an investigation, the publishing house sent a letter of apology to the Israeli Ambassador, and the PRM leader apologized to the Jewish community. In August another PRM party representative published a book called "The Nationalist," which included xenophobic and chauvinistic ideas. The book was condemned widely by the national media and leadership, and the PRM leadership disowned the book.

New regulations regarding building permits for "places of worship," issued by the Government in May, no longer differentiate between recognized and unrecognized religions in terms of what they are allowed to build as places of worship. Prior to this, unrecognized religions received building permits for "halls of prayer" only and not for "places of worship." However, the new regulations could make it more difficult for minority religious groups to obtain such permits, since only the Orthodox Church is represented on the commission granting such permits. This commission is entitled to decide on the "opportuneess" of building the place of worship, and to judge whether the construction is in line with the specific dogma of the religion in question.

A small number of religious properties confiscated under past Communist regimes have been restituted under government decrees. A law passed in January on nationalized buildings specifies that a different law will address the restitution of religious communal property; however, such a law had not been passed by year's

end. In many cases, religious minorities have not succeeded in regaining possession of the properties despite restitution by these decrees. Many properties returned by decree house state offices, schools, hospitals, or cultural institutions that would require relocation, and lawsuits and protests by possessors have delayed restitution of the property to the rightful owners. The Greek Catholic Church has made only limited progress in recovering its properties taken by the Romanian Orthodox Church after its forced merger in 1948. Of approximately 2,600 properties to which it has claim, only a handful have been returned. The Greek Catholics say they have received 137 churches, while the Government claims 200 churches had been returned by year's end. The Greek Catholic Church has very few places of worship. Many followers still are compelled to hold services in public places or parks (108 such cases, according to Greek Catholic reports) because most of the former Greek Catholic churches have not been returned. A joint Orthodox and Greek Catholic committee formed by government decree in 1990 has failed to resolve the issue due to Orthodox resistance, despite the scaling back of the Greek Catholic requests from 2,600 properties to 300 churches. Restitution of the existing churches is important to both sides because local residents are likely to attend their local church whether it is Greek Catholic or Orthodox; thus the number of believers and share of the state budget allocation for religions is at stake. The historical Hungarian churches, including the Hungarian Roman Catholic and the Hungarian Protestant Reformed, Evangelical, and Unitarian churches, largely have received only a small number of their properties back from the Government. Out of 1,791 buildings claimed by the Hungarian churches, 110 were restituted by government decrees; however, the churches involved could take actual possession of less than 20. The Jewish community has received 42 buildings by government decree but could only obtain actual possession of less than half of them.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respects them in practice. The Government places no restrictions on travel within the country, except for certain small areas reserved for military purposes.

The Government forcibly relocated hundreds of Roma illegally squatting in Bucharest (largely on public land) to their places of origin as part of a program called "Back Home" (see Section 1.f.). This program was criticized strongly by human rights NGO's.

The law provides for the granting of refugee and asylee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations. The Government provides first asylum. The Ministry received 1,981 applications for asylum from January through September. The law establishes a refugee office in the Interior Ministry to receive, process, and house asylum seekers. The Interior Ministry and the Labor Ministry fund programs to assist asylum seekers and refugees. Financial support provided by the Government (reimbursable loans for a period of 6 to 9 months) is minimal; it usually is not enough to cover basic needs. The Government provides temporary accommodation in only a few locations. Programs for integrating refugees into society are developing slowly. An increasing number of transiting illegal migrants regards the country as a springboard to other countries.

There were no reports during the year of the forced return of persons to a country where they feared persecution. The UNHCR expressed some concern over cases in which the Government reversed an initial acceptance of an asylum claim under undefined "national security" grounds. In one such case, an asylum seeker, whose claim was initially accepted by the Government and then was later rejected on these grounds, was detained indefinitely while his case went through the courts.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic free and fair elections held on the basis of universal suffrage.

In November and December 2000, in elections that were judged to be generally free and fair, the left-center Party of Social Democracy (PSD) won a near majority in the legislature and the PSD candidate, Ion Iliescu, won the Romanian presidency. The PSD governed as a minority government, with support from the Democratic Union of Hungarians in Romania (UDMR). The extremist, xenophobic Greater Romania Party (PRM) won the next largest share of parliamentary and presidential votes. Allegations of widespread voting fraud by the losing PRM candidate, Corneliu Vadim Tudor, were not judged to be credible.

The percentage of women in government or politics does not correspond to their percentage of the population; no legal restrictions hinder the participation of women in government or politics, but societal attitudes are a significant impediment. The Parliament is composed of 9.8 percent women, with 12 Senators and 37 Deputies. None of the 41 county prefects, an appointed position to represent the central Government at the county level, were women.

The Constitution and electoral legislation grant each recognized ethnic minority one representative in the Chamber of Deputies, provided that the minority's political organization obtains at least 5 percent of the average number of valid votes needed to elect a deputy outright. Organizations representing 18 minority groups elected deputies under this provision in 2000. Ethnic Hungarians, represented by the UDMR, obtained parliamentary representation through the normal electoral process. Roma are underrepresented in Parliament because of low Roma voter turnout and internal divisions that worked against the consolidation of votes for one candidate, organization, or party. There are two Romani parliamentarians; the former Romani minority representative joined the PSD and sits in the legislature, and there is one seat provided for Roma by the Constitution and electoral legislation.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic human rights monitoring groups include the Romanian Helsinki Committee (APADOR-CH), the independent Romanian Society for Human Rights (SIRDO), the League for the Defense of Human Rights (LADO), the Romanian Institute for Human Rights, and several issue-specific groups such as the Young Generation of Roma and the Center for Crisis Intervention and Study, also a Romani NGO. Other groups, such as political parties and trade unions, continued to maintain sections to monitor the observance of human rights. These groups, as well as international human rights organizations, functioned freely without government interference.

The Government generally cooperates with local and international monitoring groups, although some offices are slow to respond to inquiries. Local human rights monitoring agencies have found it difficult to obtain statistics concerning police abuses. The Ministry of the Interior, which is responsible for investigating such abuses, responds unevenly to inquiries from monitors. Often victims are reluctant to come forward, and the Government does not promote transparency in this regard.

In February 2000, the Ministry of the Interior tightened conditions for prison visits by human rights organizations (see Section 1.c.).

An Ombudsman's Office works to protect citizens against abuses or random acts by public officers. In 2000 there were 4,556 cases filed with the office. By year's end, it had received 6,871 complaints; of these, only 1,671 were accepted as falling under the Ombudsman's jurisdiction. The office registers these complaints and is obliged by law to provide an initial response within a year of the date that they were recorded. The Ombudsman has been moderately effective; however, the lack of executive powers limits the Ombudsman's authority. The office deals not just with human rights but with all facets of citizens' interaction with the Government. The Ombudsman's role still is not fully clear to the public. Many complaints were rejected because they related to problems with the judiciary and not the administration.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution forbids discrimination based on race, nationality, ethnic origin, language, religion, sex, opinion and political allegiance, wealth, or social background; however, in practice the Government does not enforce these provisions effectively, and women, Roma, and other minorities are subject to various forms of discrimination.

In September 2000, the Government issued an emergency ordinance that outlaws discrimination based on a number of factors and introduces the ability to sue on the grounds of discrimination; however, implementation of the decree, primarily through the creation of a National Council on Combating Discrimination, had not occurred by year's end. An emergency ordinance has the effect of law unless it is nullified by the Parliament. The Senate and the Chamber of Deputies passed the ordinance during the year, but the Chamber amended it to exclude sexual orientation as a basis for discrimination, while the Senate passed it unchanged. The two houses had not reconciled their versions by year's end.

Women

Violence against women, including rape, continued to be a serious problem. Both human and women's rights groups credibly reported that domestic violence is common, and a 1999 report by the U.N. Children's Fund (UNICEF) emphasized that violence against women in the workplace is not uncommon since their subordinate position exposes them to greater risk. A survey conducted by the U.S. Centers for Disease Control reported that in 2000, 23.4 percent of women had experienced verbal abuse from their partners, 10 percent had experienced physical abuse, and 1.8 percent sexual abuse. The same survey reported that 22.5 percent of women experienced moderate to severe physical abuse over their lifetimes. A complicated criminal process discouraged domestic violence victims from pressing charges against perpetrators. Police often are reluctant

to intervene in instances of domestic violence. There is no specific legislation dealing with spousal abuse or spousal rape. The prosecution of rape is difficult because it requires both a medical certificate and a witness, and a rapist can avoid punishment if he marries the victim. The successful prosecution of spousal rape is almost impossible. An emergency ordinance passed in June made laws on rape and sexual abuse gender neutral. The Senate and the Chamber of Deputies passed this ordinance during the year, but they had not reconciled their versions by year's end.

A pilot project opened a shelter for victims of domestic violence in Constanta in December 2000. The shelter opened with the cooperation of the police and the Constanta mayor's office and helped in 246 cases from January to November.

Trafficking in women for the purpose of prostitution continued to be a growing problem (see Sections 6.c. and 6.f.).

The Constitution grants women and men equal rights; however, in practice the Government does not enforce these provisions, nor do the authorities focus attention or resources on women's issues. In November the Senate approved a law prohibiting sexual harassment and any form of gender discrimination; however, the law was not passed at year's end.

Few resources are available for women who experience economic discrimination. Despite existing laws and educational equality, women have a higher rate of unemployment than men, occupy few influential positions in the private sector, and earn lower than average wages. A department in the Ministry of Labor and Social Protection advances women's concerns and family policies. This department organizes programs for women, proposes new laws, monitors legislation for sexual bias, targets resources to train women for skilled professions, and addresses the problems of single mothers, especially in rural areas. There is an Ombudsman within the department for child, woman, and family protection to resolve complaints of discrimination.

Children

The Government administers health care and public education programs for children, despite scarce domestic resources. International agencies and NGO's supplement government programs in these areas.

Education is free and compulsory through the eighth grade. After the eighth grade, schools charge fees for schoolbooks, which discourages attendance for lower income children, particularly Romani children. In the 2000-01 school year, 4,053,328 children attended school, including kindergartens. Approximately 96 percent of primary school-age children attend school. Boys and girls generally receive the same treatment in schools. The Ministry of Education reported that 500,000 children under the age of 15 left school in 1997-98, which is approximately 20 percent of the school-age population.

Living conditions in all child care institutions very seriously deteriorated in 1999 for financial and administrative reasons and have not improved substantially. Inspectors who visited institutions and identified humanitarian needs at the request of the European Union Commission reported that while conditions were not equally poor in all institutions, the general situation was unacceptable in terms of basic infrastructure as well as hygiene, medical care, nutrition, and general assistance. According to official statistics, there were approximately 60,000 orphans in state institutions.

There was no perceptible societal pattern of abuse against children; however, a survey by a local polling firm conducted during the year found that 41 percent of women and 59 percent of men reported that they had experienced physical or verbal abuse as children. In addition large numbers of impoverished and apparently homeless, but not necessarily orphaned, children were seen on the streets of the larger cities. The Government does not have statistics defining the scope of the problem.

NGO's working with children remained particularly concerned about the number of minors detained in jail and prison (see Section 1.c.). These NGO's continued to seek alternative solutions to sending juveniles to prison, such as parole. Because time served while awaiting trial counts as part of the prison sentence but does not count towards the time to be served in a juvenile detention center, some minors actually requested prison sentences.

The prevalence of child labor in the Roma community was widespread (see Section 6.d.).

The sexual exploitation of children continued to attract press attention, and the police continued to stage a few high-publicity arrests of foreign pedophiles. Other issues, such as adequate legislation to protect children,

received less attention. The law does not outlaw pedophilia expressly; instead pedophiles are charged with rape, corporal harm, and sexual corruption. Trafficking in girls for the purpose of prostitution is a problem (see Sections 6.c. and 6.f.).

Persons with Disabilities

Difficult economic conditions and serious budgetary constraints contributed to very difficult living conditions for those with physical or mental disabilities. Outside of large institutions, social services for persons with disabilities are almost nonexistent. Many persons with disabilities cannot make use of government-provided transportation discounts because public transport does not have facilitated access. The law does not mandate accessibility for persons with disabilities to buildings and public transportation. According to official statistics, there were 3,500 disabled children living in state institutions; conditions in these institutions ranged from adequate to harsh.

Religious Minorities

The centuries-long domination of the Orthodox Church, and its status as the majority religion, has resulted in the Orthodox Church's reluctance (in particular at the local level and with the support of low-level officials) to accept the existence of other religions. Consequently, actions by other religious groups to attract members are perceived by the Orthodox Church as attempts to diminish the number of its members. Due to its substantial influence, few politicians dare to sponsor bills and measures that would oppose the Orthodox Church. According to minority religious groups, the population is receptive to minority Christian confessions, and local officials tend to be tolerant but often are pressured and intimidated by the Orthodox clergy. Minority religious groups allege that the Orthodox clergy have provoked isolated mob incidents. The Romanian Orthodox Church has attacked the "aggressive proselytizing" of Protestant, neo-Protestant, and other religious groups, which the Church repeatedly has described as "sects." There is no law against proselytizing, or clear understanding of what activities consist of proselytizing; however, proselytizing that involves denigrating established churches is perceived as provocative. This has led to conflicts in some cases. For example, in May an Orthodox priest beat a Mormon missionary in the streets of Pitesti. The police, although not very cooperative initially, eventually contributed to resolving this conflict. On June 20, members of the "New Right" (Noua Drapta) organization (a small, right-extreme group with nationalistic, xenophobic views) beat four Mormon missionaries who were riding on a streetcar in Bucharest.

Representatives of minority religions credibly complain that only Orthodox priests are permitted to grant religious assistance in hospitals, children's homes, and shelters for the elderly. Charitable activities carried out by other churches in children's homes and shelters often have been interpreted as proselytizing. According to the Seventh-Day Adventist Church, Orthodox priests have not allowed Adventist ministers to conduct burial rituals in localities, mainly in rural areas, where the number of Adventist members was small. Such cases occurred in Costesti and Armasu (Bacau County), Cuparu and Doicești (Dambovită County), Busteni and Cojasca (Prahova County), Scinteia and Progresu (Ialomită County), Malu (Giurgiu County), as well as in some localities in Galati, Bacau, and Iasi Counties. However, in most cases, the problems were resolved with the intervention of the local authorities. The Greek Catholic, Baptist, and Pentecostal Churches also have reported similar refusals by Orthodox clergy to allow the burial of the believers of these churches in Orthodox cemeteries. Such cases have occurred in Negresti Oas (Satu Mare County), according to Greek Catholic reports, and in Bihor County, according to Baptist reports.

The Seventh-Day Adventist Church also reported that a series of peaceful assemblies were disrupted by noisy groups, allegedly incited by Orthodox clergy, including in Ciudanovita and Glimoca (Caras Severin County). According to Adventists, Orthodox priests beat school children for having participated in Adventist meetings and Orthodox priests insulted Adventist members, including in Perieni (Ias County).

In some areas, Orthodox clergy threatened Baptists ministers in order to make them leave the localities.

Three textbooks on sects and ecumenism, authored by an Orthodox deacon for use in state-funded theological institutions, art high schools, teacher, and vocational schools, contained anti-Semitic, pro-Fascist, and antiecumenical ideas.

The disputes between Greek Catholics and Orthodox believers over church possession decreased in number, due mostly to the Greek Catholics' decision in many cases to build new churches, following lack of progress made in obtaining the return of their properties (see Section 1.c.). Tensions continue to exist in Prunisi (Cluj County) where most of the residents belong to the Greek Catholic Church and are forced to hold religious services in the open because the Orthodox priest does not allow them to use the church. In Decea (Alba County) tensions increased when the Orthodox priest locked the church so that the Greek Catholics could not use it. In Bicsad (Satu Mare County), where the Greek Catholics obtained a government decision restituting a

former Greek Catholic monastery, the Greek Catholic Church still could not take possession of the monastery because of the opposition of the local Orthodox clergy. Local authorities have not supported the enforcement of the Government's decision. In Dumbraveni the Orthodox Church's opposition to a court-ordered resolution to share the local church has forced the Greek Catholics to hold their religious services in a high school. The Orthodox Church decided to build a new church and to restitute the old one to the Greek Catholics after it is completed. Until that time, the Greek Catholics continued to hold the religious service in the school building.

Harassment of Jehovah's Witnesses in Mizil and other areas continued during the year.

The fringe press continued to publish anti-Semitic articles. Legionnaire (an extreme nationalist, anti-Semitic, pro-Nazi group) books from the interwar period continued to be published. There have been repeated attempts to deny the Holocaust in the country (through symposiums and press articles). Most mainstream politicians publicly have criticized anti-Semitism, racism, and xenophobia.

Jewish cemeteries were desecrated in nine localities during the year. The perpetrator was identified in only one case. The perpetrators in the other five cases could not be identified but are believed to have been local youths, rather than members of an organized anti-Semitic movement. Four synagogues were also desecrated during the year. In December 2000, the Museum of Jewish History in Bucharest was ransacked. President Iliescu and other prominent figures expressed concern about this act of vandalism. The perpetrators remained unidentified. No progress was made on investigations into the desecration of Jewish synagogues and cemeteries in 2000 and 1999.

According to the Baha'i Faith, a show and an exhibit sponsored by their association in Herestrau Park in Bucharest in July 2000 were disrupted by a group of youths, who called them a "sect," used a Nazi greeting, shouted "long live the Orthodox Church," and destroyed all the exhibit materials. The police cooperated with the Baha'is in investigating the incident, but it had not been resolved by year's end.

National/Racial/Ethnic Minorities

After the 2000 election, the Government reorganized the Department for the Protection of Minorities into an Office for Interethnic Relations and a National Office for Roma, and placed them under the Ministry of Public Information. These offices have the responsibility to monitor the specific problems of persons belonging to ethnic minorities, to maintain contacts with minority groups, to submit proposals for draft legislation and administrative measures, to maintain permanent links with local authorities, and to investigate complaints.

Ethnic Hungarians, officially numbering more than 1.6 million, constitute the largest and most vocal minority, and their UDMR party was the leading political partner for the ruling minority PSD Government during the year. UDMR-PSD cooperation helped facilitate the passage by Parliament of a law on local public administration in March; the law provides for the use of the maternal language in administration in areas where a national minority represents over 20 percent of the local population, which applies almost exclusively to Hungarian communities. These provisions met with resistance in some areas; for example, in Cluj, the mayor, Gheorghe Funar, resisted implementation of provisions to allow bilingual street signs in the town, claiming that the population of ethnic Hungarians in the town falls below the 20 percent threshold required by law. On June 2, approximately 200 persons demonstrated outside of the Hungarian Consulate in Cluj, calling for ethnic Hungarians to leave the city. Bilingual street signs were not erected in Cluj by year's end; bilingual signs have been erected in small localities around Cluj.

A government decree permits students in state-funded primary and secondary schools to be taught in their own language, with the exception of secondary school courses on the history and geography of Romania. However, in Moldavia the Csango community, an ethnic group who speak a form of Hungarian and are Roman Catholic, have complained that there is no schooling available in their language. In November an NGO reported that the deputy school inspector in Bacau County harassed Csango families who were teaching Csango language classes in their homes.

The Romani population, officially estimated by the Government at approximately 400,000, is estimated by the European Commission to number between 1.1 and 1.5 million. Romani groups complained of routine police brutality—including beatings—prejudice, and racial harassment at the local level (see Section 1.c.). Under a government program, Roma living in Bucharest on public lands were forced to relocate to their counties of origin (see Section 1.f.). According to the Government, only 27 percent of Roma have steady jobs, and only half of those jobs are considered skilled. Illiteracy among Roma over 45 years of age approaches 30 percent. In April a national strategy for improving the condition of the Romani community was announced, with the support of the Prime Minister; a commission to implement the plan was established and held meetings during the year. A number of Roma experts were hired in the Ministries, at the county prefect's office, and in many local mayoral and county offices. Nevertheless the Roma office within the Government is understaffed, with

only three civil servants, and longterm funding for the National Roma strategy has not yet been resolved.

The Romani population continued to be subject to societal discrimination. Roma often are denied access to shops, restaurants, and other places. For example, on February 6, Romani CRISS, an NGO monitoring Roma rights, filed a complaint with the Supreme Court against the owner of a bar in Pitesti (Arges County) after the bar's bodyguards denied access to two Romani men in January. The lawsuit was in progress at year's end. There was no further information on the ban on Roma in the Iasi County hospital, where Roma who cannot afford to pay for medical treatment and cannot prove that they have medical insurance provided by the State are banned from the hospital. However, a partnership protocol, signed by the Minister of Health and the representative for Roma in the Parliament in April, lays out cooperative measures between the Health Ministry and the Romani Party in order to ensure that Roma have access to health care. This protocol helped resolve most complaints of discrimination against Roma in the health system and sponsored several vaccination campaigns for Roma children.

In March a Tirgu Mures-based NGO, Liga Pro Europa, took legal action against a local weekly that carried an interview with two persons using pseudonyms who proposed to "clean the town of Roma." The local prosecutor's office answered in a letter that no crime had been committed and refused to answer a second letter by the NGO asking for the legal grounds of that answer. There was no further information regarding the status of charges filed in 2000 by Bucharest-based Roma organizations against Marcel Fluerau, a journalist for the National, for using racist language in an article.

On May 7, Romani CRISS filed a complaint against a Bucharest-based advertising newspaper, which in March had published an advertisement for security guards that overtly excluded Roma. The Bucharest Mayor's office replied that job announcements did not fall under the law on publicity, which forbids discriminatory publicity. The Bucharest Mayor's office told the NGO to redirect its complaint to the National Council for Combating Discrimination, a body which has not yet been established. In 2000 the NGO Romani CRISS filed a complaint with the Ombudsman's Office regarding a job announcement, posted in Bucharest's Third Sector Labor Force Office by a private firm called S.C. Guard, which stated, "no Roma accepted." The Labor Force Office offered public apologies, and no further such announcements have been posted there.

In October in Transylvania the New Right political party distributed anti-Romani leaflets in Sighisoara and Deva. In July police arrested two members of the New Right party who were suspected to have painted anti-Romani slogans in Sibiu; the two reportedly were foreigners.

In January the European Roma Rights Center (ERRC) reported two incidents in which private security guards beat Roma; in one of the cases, a Roma man was shot in the leg. There was no further information regarding the 2000 beating of Vasile Florica, a Rom, by villagers in Palos.

Four persons who were arrested, tried, and convicted in a 1993 incident in Hadareni, in which three Roma died in a house burning, were released in 2000 after serving their sentences. The victims appealed to the European Court of Justice, arguing that the sentences were too light at 2 to 6 years. The case was pending before the European Court at year's end. According to Human Rights Watch, the ERRC lodged applications against the country with the European Court of Human Rights regarding cases of violence against Roma and destruction of Romani property in Casinul Nou (1990) and Plaiesii de Sus (1991). These cases had been rejected in Romanian courts in part because the statute of limitations had expired before the ERRC could initiate final appeals. Police in both cases failed to conduct onsite investigations. These cases were pending with the European Court of Human Rights at year's end.

Section 6 Worker Rights

a. The Right of Association

All workers except certain public employees have the legal right to associate freely and to form and join labor unions without previous authorization; however, there were reports that the Government restricted this right. Intelligence, Ministry of Defense, and Ministry of Interior personnel are not allowed to unionize. The majority of workers are members of approximately 18 nationwide trade union confederations and smaller independent trade unions. Trade unions may acquire property, support their member's exercise of their profession, establish mutual insurance funds, print publications, set up cultural, teaching, and research bodies, establish commercial enterprises and banks, and borrow money. No workers may be forced to join or withdraw from a union, and union officials who resign from elected positions and return to the regular work force are protected against employer retaliation. However, the International Confederation of Free Trade Unions (ICFTU) 2000 "Annual Survey of Violations of Trade Union Rights" reported that violations of trade union rights continued in practice. In September 2000, a trade union leader, Virgil Sahleanu of the Tepro steel mill in Iasi, was killed, allegedly because of a dispute with a new private owner. Also in 2000, Sabina Nicolescu, a trade union leader

in a wool company, was beaten after receiving threats from the company owner. No new violations were reported during the year. The unions reported that the Government interfered in trade union activities, collective bargaining, and strikes. The requirements to register a union were excessive.

Past studies indicated that the labor legislation adopted in 1991 falls short of International Labor Organization (ILO) standards in several areas, including the free election of union representatives, binding arbitration, the financial liability of strike organizers, the restriction of eligibility for trade unions, and the restriction of eligibility for trade union membership and offices to "employees." Amendments in 1999 to the law on labor disputes brought some improvements and eliminated many restrictions, including widening the scope of the right to strike.

The collective labor dispute law defines the conciliation, mediation, and arbitration procedures under which strikes can be conducted. The law established tripartite arbitration panels, and the list of arbitrators must be approved by the economic and social council where trade unions and employers associations each have one-third of the membership; however, mediation capability has not developed fully. Local panels are poorly trained, and unions continued to take their cases directly to the Government for dispute resolution. Amendments to the labor law in 1999 widened the scope of the right to strike, although it continues to be difficult to hold a legal strike because of lengthy and cumbersome procedures. Union members complained that unions must submit their grievances to government-sponsored conciliation before initiating a strike, and that the courts had a propensity to declare illegal the majority of strikes on which they had been asked to rule. Judges, prosecutors, and related Ministry of Justice staff are forbidden to strike, along with Ministry of Defense, Ministry of Interior, and intelligence service employees. The Government concluded a Social Pact early in the year with national union confederations and employer associations; in return for promises regarding wages, pensions, and new labor legislation, the unions agreed not to stage national strikes. Although at times fragile, the Social Pact remained in place at year's end, and the Government initiated talks on its renewal. At least one labor confederation has stated that it is unlikely to renew membership in the Pact. The Social Pact did not prevent local unions from staging protests and strikes. In September 2000, amendments to the labor code permitted companies to claim damages from strike initiators if the strike is deemed illegal by a court.

The Government has promised to speed the privatization of state-owned companies; fearing loss of their jobs, some union workers held strikes protesting the potential sale of their companies, and others threatened strike actions if privatization occurs. Protest actions also were held demanding the cancellation of privatization contracts. The most significant of these were the Resita protests, which were accompanied by some instances of violence. Groups of union members protested against local authorities by damaging official buildings and harassing employees of the firm. The Resita steel company was purchased by a foreign company and has been the subject of major labor protests since January; the Government was attempting to mediate the labor dispute at year's end.

The Government occasionally interfered in strikes. For example, the Ministry of Transport attempted to intimidate the subway system union from striking during the year.

The law stipulates that labor unions should be free from government or political party control, a provision that the Government generally has respected in practice. Unions are free to engage in political activity and have done so; for example, during the 2000 elections, the National Confederation of Trade Unions (Fratia) and the National Union Bloc openly supported the PSD party.

Labor unions may form or join federations and affiliate with international bodies. The National Confederation of Trade Unions-Fratia and the National Union Bloc are affiliated with the International Confederation of Free Trade Unions and the European Trade Union Confederation. The Confederation of Democratic Trade Unions of Romania and Cartel Alfa are affiliated with the World Labor Confederation. Representatives of foreign and international organizations freely visit and advise domestic trade unionists.

b. The Right to Organize and Bargain Collectively

Workers have the legal right to bargain collectively, but collective bargaining efforts are complicated by continued state control of most industrial enterprises and the absence of independent management representatives. Although the law supports collective bargaining as an institution, the contracts that result are not always enforceable in a consistent manner. Basic wage scales for employees of state-owned enterprises are established through collective bargaining with the Government. Public employees may bargain for everything except salaries, which are set by the Government. Unions claimed that downsizing decisions resulting from agreements with international financial institutions have violated labor agreements. In one case, gas and oil unions claimed that a budget approved by the Government for state-owned gas and oil companies violated its labor agreement and filed a court claim against the Government.

Antiunion discrimination is prohibited by law, and the Government generally respected this prohibition in practice.

Labor legislation is applied uniformly throughout the country, including in the five free trade zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor; however, trafficking in women for sexual exploitation is a problem (see Section 6.f.). The Ministry of Labor and Social Protection is responsible for enforcing the prohibition against forced labor.

The Constitution prohibits forced and bonded labor by children; however, trafficking in girls for prostitution is a problem (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 16 years, but children as young as the age of 15 may work with the consent of their parents or guardians, although only "according to their physical development, aptitude, and knowledge." Minors are prohibited from working in dangerous or hazardous conditions. Violations of the child labor laws are punishable by imprisonment for periods of 2 months to 3 years; however, there is no recent evidence of anyone being charged or convicted under this law. Working children under the age of 16 have the right to continue their education, and the law obliges employers to assist in this regard. The Ministry of Labor and Social Protection has the authority to impose fines and close sections of factories to ensure compliance with the law. There is no recent evidence of anyone being charged or convicted under this law.

A department in the Office of the Prime Minister is responsible for child protection. Local organizations were established in the counties and the city of Bucharest to enforce child welfare legislation. The roles and responsibilities of the several agencies that enforce child labor laws remain ill defined, and these laws often have not been enforced.

There are no accurate statistics of the number of illegally employed children; however, there is recognition of the problem. The prevalence of child labor, including begging, selling trinkets on the streets, or offering to wash car windshields, is widespread in the Roma community; these children range from 1 to 18 years of age. In March 2000, the ILO and the Ministry of Labor and Social Protection agreed to establish an International Program for the Elimination of Child Labor. A national steering committee was formed, and several ILO-funded programs began to raise public awareness, identify the nature and extent of the problem, train officials to monitor and investigate child labor, build the capacity of governmental and nongovernmental agencies, and prevent increases in child labor; however, no concrete steps were taken by year's end.

The Constitution prohibits forced and bonded child labor; however, trafficking in girls for prostitution is a problem (see Section 6.f.).

e. Acceptable Conditions of Work

Most wage rates are established through collective bargaining at the enterprise level; however, they are based on minimum wages for specific economic sectors and categories of workers that the Government sets after negotiations with industry representatives and the labor confederations. Minimum wage rates generally are observed and enforced. During the year, the minimum monthly wage was raised from approximately \$30 (700,000 lei) to approximately \$48 (1.4 million lei); the minimum monthly wage does not provide a decent standard of living for a worker and family. Prices for utility services such as water and heating continued to rise; however, basic food and pharmaceutical products still were subject to price ceilings. Housing is no longer subsidized.

The Labor Code provides for a standard workweek of 40 hours or 5 days, with overtime to be paid for weekend or holiday work or work in excess of 40 hours. It also includes a requirement for a 24-hour rest period in the workweek, although most workers receive 2 days off per week. Paid holidays range from 18 to 24 days annually, depending on the employee's length of service. The law requires employers to pay additional benefits and allowances to workers engaged in particularly dangerous or difficult occupations. The Labor Code was scheduled to be revised in 2000; however, trade unions and business associations were not included in the drafting discussion, and no agreement could be reached on changes. New discussions, which included the unions and employers, commenced during the year; however, no new legislation was presented to Parliament by year's end.

Some labor organizations lobby for healthier, safer, working conditions on behalf of their members. However, neither the Government nor industry, which is still mostly state owned, has the resources necessary to improve significantly health and safety conditions in the workplace. The Ministry of Labor and Social Protection has established safety standards for most industries and is responsible for enforcing them; however, it lacks sufficient trained personnel for inspection and enforcement, and employers often ignore its recommendations. In 1999 a department was established within the Ministry to conduct comprehensive safety inspections. European Union funds have assisted in building capacity within the new department. Although they have the right to refuse dangerous work assignments, workers seldom invoke it in practice.

After an explosion killed 10 workers in the port of Constanta on June 5, workers at the shipyard protested against the lack of safety equipment and violations of safety procedures by management. A government delegation led by Privatization Minister Ovidiu Musatescu was sent to mediate talks between workers and management.

f. Trafficking in Persons

A law passed in November prohibits trafficking; however, trafficking in women is an underreported but serious problem. The law defines trafficking as the use of coercion to recruit, transport, harbor, or receive humans for exploitation. Coercion includes fraud or misrepresentation. Exploitation includes slavery, forced labor, prostitution, performance in pornographic films, organ theft, or other conditions that violate human rights. For minors under the age of 18, it is not necessary to prove coercion.

Romania is both a country of origin and a transit country for trafficked women and girls. The full extent of the problem is not known, since neither the Government nor NGO's maintain statistics on this problem; however, there is evidence that the problem is growing. The International Organization for Migration (IOM) reported that from January 2000 to June 2001, they assisted 279 victims of trafficking. Of these victims, 6 were 14 years of age or younger, and 57 were between the ages of 15 and 17. Figures for 1999 were less than 10 victims. The IOM office in the country estimated that as many as 20,000 women are trafficked from Romania each year. Romania is a country of origin; women reportedly were trafficked for prostitution to Yugoslavia (including Kosovo), Macedonia, Turkey, Albania, Bosnia and Herzegovina, Greece, Cyprus, Italy, France, Germany, Hungary, the Netherlands, Poland, the United Arab Emirates, Japan, and Cambodia. Women were trafficked through Macedonia and Bulgaria to reach Greece and other countries. Romania remains a popular transit country for persons, especially women, being trafficked from Moldova, Ukraine, and other parts of the former Soviet Union. Iasi and Timisoara are major transit centers in the country. Trafficking patterns within the country generally go from its border with Moldova to the countries bordering Serbia, and there is anecdotal evidence of some internal victims of trafficking as well. There also is anecdotal evidence that the country is a minor destination country. Victims are primarily women and girls trafficked for prostitution; however, there are reports that men also are trafficked to Greece for agricultural labor.

Women often are recruited to work abroad by friends, relatives, or newspaper advertisements. Many times a friend or relative makes the initial offer, usually telling the victim that she will obtain a job such as babysitting or waitressing. According to the IOM, most women were unaware that they would be forced into prostitution. A minority of trafficked women are sold into prostitution by their parents or husbands or are kidnaped by trafficking rings. Ministry of Interior officials reported that trafficking rings appear to be operated primarily by Romanians; several domestic prostitution rings are active.

No separate Government or IOM statistics exist for children trafficked to other countries. The Romanian NGO Sanse Egale Pentru Femei (Equal Opportunities for Women) reported that cases of trafficking in children that it dealt with rose from 8 in 1997 to 43 in 1999. In 1998 the NGO Save the Children dealt with 101 cases of children, mostly Roma, being taken to Germany and Italy and being forced to work as beggars or petty thieves; however, there were no new reports of the problem available during the year. Trafficking of girls for prostitution is also a problem. The country has an extensive system of orphanages with approximately 60,000 dependents, and many orphanages are complicit in letting girls escape into prostitution. Children forced out of orphanages between the ages of 16 and 18 often have no identity documents, very little education, and few, if any job skills. NGO's believe that many girls from these orphanages fall victim to trafficking networks. A study by the IOM's Romania office found that 38 percent of girls between 15 and 18 years of age in orphanages were ready to "emigrate to a foreign job," putting them at risk of being trafficked. The same study found that 38 percent of single women and girls aged 15 to 25 and 20 percent of women and girls who lived with their parents were ready to emigrate to a foreign job.

While the Government is beginning to recognize trafficking as a problem, it has only begun to mount an effective effort to combat it. Corruption in the police force, particularly in local forces, also may contribute to the problem. Due to personnel changes within the police and training, police largely acknowledged that Romania is a country of origin for trafficked victims and have become more aware of the problem.

In late 2000, the Government promised that a dedicated unit of seven officers would be established to combat human trafficking as part of an effort to lead a regional antitrafficking law enforcement program under the Southeastern European Cooperative Initiative. However, only two officers from the Romanian Police had been assigned to this unit by April. In April the Government assigned a senior police general to coordinate the antitrafficking unit, significantly increased personnel assigned to the unit, and began to expand interagency and local resources assigned to human trafficking. The unit had conducted a series of human trafficking arrests by the end of the year. During the year, the unit arrested 77 human traffickers for pimping and kidnaping offenses and continued to investigate another 90 individuals suspected of human trafficking at year's end. Police also began a comprehensive investigation of agencies that advertised jobs abroad for possible human trafficking connections and exposed one ring of traffickers.

At the beginning of the year, only one prosecutor was assigned, on a part-time basis, to the Human Trafficking Task Force to carry arrests through to prosecution and conviction. In November another prosecutor was assigned to assist the task force. A handful of prosecutions have occurred for pimping offenses; prosecutions based on indictments under the new trafficking law are not scheduled to begin until 2002.

The law passed in November provides for sentences for traffickers of 3 to 12 years imprisonment. Trafficking in minors between 15 and 18 years of age also carries sentences of 3 to 12 years. Sentences are increased to 5 to 15 years for trafficking in minors under age 15, if there are two or more victims, or if a victim suffers serious bodily harm or health problems. The sentence for trafficking that leads to the death or suicide of the victim is 5 to 25 years. There are increased penalties of 3 years if the trafficker is a member of an organized crime group and 2 years in the case of minors if the trafficker uses coercion. Consent of a trafficked person does not exempt the trafficker from liability.

In the past, victims returned to Romania have been prosecuted for the crime of leaving the country illegally, which has reduced their willingness to return to the country or to cooperate with law enforcement authorities. For most of the year, because there was no legislation that directly addressed trafficking, victims had no way to press charges against traffickers. The law passed in November empowers the Ministry of the Interior to provide protection for victims of trafficking, and undercover operations and electronic surveillance are authorized against traffickers. The new law also eliminates criminal penalties for prostitution if the victim turns in traffickers, or cooperates in investigations against traffickers. However, trafficking victims who cooperated with authorities nonetheless were sentenced for crimes such as illegal emigration. The Government provided little aid to repatriated victims. In October the Government opened a short-term shelter for victims in Bucharest in cooperation with IOM and an NGO. The Ministry of Interior provides law enforcement personnel to investigate trafficking. The Border Police, who report to the Ministry of Interior, process repatriated victims when they return from abroad. The Ministry of Foreign Affairs provides documentation for victim repatriation.

A very small number of local NGO's dealt with trafficking issues. There are two shelters for victims of sexual abuse, and besides the Bucharest center, there is another shelter for trafficking victims in Pitesti. A very small number of other shelters operate in Transylvania. Some NGO's stated that fear of reprisal from organized crime groups deters them from taking aggressive action against traffickers. NGO's have had some success in providing training for and working with local police forces on trafficking. Nevertheless awareness of human trafficking is low, and while victims are not treated as criminals, they are seen as social outcasts. However, numerous media stories have begun to report on the problem, and during the year, the IOM started a campaign to increase awareness of the problem with the public, using plays in summer camps for children, leaflets and brochures, and press conferences for local media.